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Highland City Planning Commission February 23, 2016

The regular meeting of the Highland City Planning Commission was called to order by Planning Commission Chair, Christopher Kemp at 7:00 PM on February 23, 2016. An invocation was offered by Commissioner Ostler and those assembled were led in the Pledge of Allegiance by Commissioner Day.

PRESENT: Commission Chair: Christopher Kemp
Commissioner: Brady Brammer
Commissioner: Ron Campbell
Commissioner: Abe Day
Commissioner: Kurt Ostler

EXCUSED: Commissioner: Sherry Carruth
Commissioner: Steve Rock

STAFF PRESENT: Community Development Director: Nathan Crane
City Recorder: JoD'Ann Bates
City Engineer: Todd Trane
Planning Commission Secretary: Heather White

OTHERS:

6. Oath of Office - Chris Kemp (Kurt Ostler and Ron Campbell)

Ms. Bates performed the swearing in of Kurt Ostler and Ron Campbell.

PUBLIC APPEARANCES

Chair Kemp asked for public comment. Resident Rob Clauson said he was very impressed with the efficiency of the city's snow removal services, even on Christmas day.

PUBLIC HEARING ITEMS

1. **TA-15-04**

Highland City Council is requesting to amend Chapter 4 Conditional Use Procedure relating to the review standards for conditional use permits.

Chair Kemp opened the public hearing for TA-15-04 by consent at 7:08 PM. Mr. Crane requested that the item be withdrawn at this time.

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2. Z-14-01

Holdman Annexation - Ross Wolfley is requesting the rezoning of 7.25 acres from an R1-40 to R1-20 upon annexation. Property is located at approximately 11550 North 6000 West.

Chair Kemp opened the public hearing by consent at 7:09 PM.

Mr. Crane reviewed the differences between the R-1-20 and R-1-40 districts and how lot sizes were calculated in each district. He talked about locations of each district within the city and the history of R-1-20 zoning. He said when the general plan was updated in 2008 there was strong support for low density residential. He talked about the goals and policies of the General Plan. Mr. Crane explained that the R-1-20 Zone was not used very much for new or large developments throughout the city. He mentioned that in a 2016 community survey large lots were the second most popular reason for living in Highland. He said only 7% of residents who took the survey supported changes to support smaller lots. He talked about the fiscal impact and infrastructure impact of R-1-20 and said that the city would most likely accelerate the need for capital improvements if R-1-20 became a regularly used district. Mr. Crane explained that Highland was developed as a large lot community since 1977 and that R-1-20 was not intended to be used as an everyday district. He asked the Commissioners to consider the following questions: Is the R-1-20 District consistent with the goals and objectives of the General Plan? Is the proposed zoning in the best short- and long-term interest of the city? Is there an alternative district that should be considered? Is the R-1-20 district the appropriate district for the site? What impact will there be on future development if R-1-20 is approved at this location?

Mr. Crane reviewed the details of the application and the request for several waivers from the development code and public improvements design criteria. He said there was a letter of opposition received by the city requesting a stub to the east. He explained that staff was in support of the annexation, but not the request for waivers.

Chair Kemp asked for public comment.

Property Owner Tom Holdman said he had owned the property for 2 1/2 years and had been trying to figure out the best way to handle it. He had been in Highland for 15 years and wanted to stay in Highland. He was looking for a lot that he could build a house on, but the property he found was 8 acres. He purchased the property with the intent to build his house at the end of the street. He asked his engineer to explained the details of the application.

Engineer Ed Gifford mentioned that the Zoning Map in the 2008 General Plan showed R-1-20 and R-1-40 as low density residential. He thought R-1-20 had a negative connotation and that there was not much difference between the districts. He showed R-1-20 districts in different areas and said the density was generally 1.3-1.5 lots per acre. He then showed R-1-40 districts and said the average density in the zone was 1.5-1.6 lots per acre. He explained that Mr. Holdman's property was challenging to develop, but they believed they had a quality development with R-1-20 zoning. Mr. Gifford thought the R-1-20 district was better for animal rights because it was more restrictive. He also thought 3 homes in the R-1-20 district would use less water than 2 homes in the R-1-40 district. Mr. Gifford addressed some of the engineering issues related to the requested waivers. He talked about storm water drainage, utilities, and

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1 elevation of the property. He thought they could design something that would mitigate flooding
2 impact to the neighbors. He talked about the proposed street for the development and said a
3 stubbed to the east would not correct the traffic circulation issues.

4
5 Additionally, Ross Wolfley discussed points the developer opposed in the staff report. He said it
6 was implied that the General Plan supported an R-1-40 zone over an R-1-20. He thought that was
7 not the case and referred to the Low Density Residential and High Density Residential
8 definitions. He said both zones were defined as low density residential within the General Plan
9 and the 1/2 - 1 acre lot residential category was the most prevalent in Highland City. He read
10 Section 3-4201 of the Highland City Development Code about the reasons for using the R-1-20
11 zone. He said the R-1-20 Zone was clearly used within the city. He said any increase in density
12 would have an impact on water and sewer lines. He disagreed with staff's conclusion that using
13 the R-1-20 zone would be a fundamental shift in policy because there were other lots that ranged
14 from 1/2 to 1 acre in size. He mentioned that he participated in the recent city survey and
15 disagreed with staff's definition of "large lot". Referring to page 6-77 of the findings of the
16 survey for the 2008 General Plan update, Mr. Wolfley said 80% preferred 1/2 acre lots. He said
17 Map 2.3 indicated low density in the vicinity of Mr. Holdman's property and included the R-1-20
18 zone.

19
20 Commissioner Brammer wondered if the applicant was willing to post a bond for the storm drain
21 issues. Mr. Holdman said he wanted to do whatever the city felt comfortable with for the
22 development.

23
24 Commission Chair Kemp asked for public comment.

25
26 Resident Diana Pitcher represented Shauna Larson, Highland Arts Council President. She said
27 Mr. Holdman was an owner and artist in the Holdman Studios at Thanksgiving Point. She
28 thought Mr. Holdman would be an influence that would be wonderful for the community and
29 that he would be of great value in bringing art to Highland. Ms. Pitcher said Ms. Larson was
30 totally behind the development.

31
32 Kevin Birrel, adjacent property owner to the north and east of the proposed development,
33 reviewed the history of development around him. He was against the request for the cul-de-sac.
34 He said his annexation had yet to be determined and both cities had wanted it in the past. Mr.
35 Birrell said he had 53 acres that needed to be considered and that drainage was a problem
36 because part of the drainage flowed southwest to the Holdman property. He said Exhibit C -
37 Traffic Circulation Concept showed a horribly inefficient design for his property. He talked
38 about the inadequacy of the road. He mentioned that Mr. Holdman was already a Highland City
39 resident. He said many of the developments referred to by Mr. Gifford had common areas and
40 significant parks that factored into their overall density. He said if the R-1-20 was permitted he
41 would also seek R-1-20 or higher for his property in the future. He thought Mr. Holdman should
42 have done his research and due diligence before purchasing the property. Mr. Birrel said he did
43 not have any input in their concept plan for the development and found the plans for himself and
44 the Mendenhall's folly. He encouraged the city to do additional research and meet with both
45 adjacent property owners. Based on past experience, he suggested that plats be stamped that
46 there was an agricultural farm in the area.

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1 Commissioner Ostler said he had problems with the proposed cul-de-sac and wondered if the
2 Holdman's talked to Mr. Birrell about access. Mr. Birrell said he had not seen anything for over a
3 year. He invited the Planning Commissioners to do a walk through of his property.

4
5 Resident David Whitlock said the neighborhood was concerned about property values if smaller
6 lots were permitted. He was in favor of keeping the R-1-40 zone in order to maintain property
7 values. He said most of the R-1-20 approvals were before the 2008 General Plan. He said they
8 were very concerned that if approved, more R-1-20 would come to the east and the north.

9
10 Commissioner Ostler asked about the possibility of connecting to 11500 North. Mr. Whitlock
11 explained that it was a smaller private road that was maintained by residents. He said additional
12 traffic was a concern.

13
14 Commissioner Day wondered what the average size lot was in their subdivision. Mr. Whitlock
15 estimated that the average lot was 3/4 acre with very deep lots.

16
17 Resident Neal Westwood agreed with Mr. Whitlock and said they were concerned with property
18 values and additional R-1-20 coming to the area.

19
20 Resident Stephan Harlen voiced concern with traffic and where Mr. Birrell would gain future
21 access for his property. He preferred the waiver with the cul-de-sac rather than a through street to
22 6000 West. He thought Mr. Holdman would be a great neighbor and talked in favor of Mr.
23 Gifford's presentation.

24
25 Resident Steven Swalberg said he had no opposition to the proposed plan.

26
27 Chair Kemp asked for additional comments. None were given. The Planning Commission
28 discussed the proposed plan.

29
30 Commissioner Day preferred to protect large lots in Highland. He voiced concern with future
31 traffic. He was concerned about the precedent that might be set by approving R-1-20.

32
33 Commissioner Campbell did not see R-1-20 as a negative, but thought the intent of the R-1-20
34 zone was to be restrictive and have limited use. He voiced concern regarding the amount of
35 requested waivers. He said he needed more time to review the General Plan and the application.

36
37 Commissioner Brammer voiced concern as set forth in Development Code 7-102(2)(c) relating
38 to annexations. He talked about the annexation and said it was somewhat of a variance from the
39 existing use surrounding the property and from the existing R-1-40 that the General Plan seemed
40 to prefer. He said the request to rezone the property seemed inconsistent with the General Plan.

41
42 Commissioner Ostler thought the cul-de-sac was too deep. He thought there were fire and
43 drainage issues. He thought the request was not consistent with the General Plan and was in
44 favor of keeping the property R-1-40. He suggested working with property owners for access.

45
46 Chair Kemp said he generally agreed with the commissioners' comments. He closed the public
47 hearing by consent at 8:25 PM and called for a motion.

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MOTION: Commissioner Brammer move to disapprove the annexation as stated with the R-1-20 designation. Commissioner Ostler seconded the motion. All present were in favor. The motion carried with two absent.

3. GP-16-01

Edge Homes is requesting an amendment the Land Use designation of the General Plan from 'School' to Single Family Residential'. Property is located at 9725 North 6800 West

And

4. Z-16-01

Edge Homes has requested a rezoning of property located at 9725 North 6800 West from an R-1-40 to an R-1-20 zone.

Chair Kemp opened the public hearing by consent at 8:26 PM. Mr. Crane reviewed the details of the applications.

Mr. Steve Maddox explained that the property was under contract with the school district. He talked about the surrounding area and the zoning of adjacent property. He discussed his plan for the subdivision. He talked about other developments that he had done and said his intent was to enhance and bring value to the area.

Commission Chair Kemp asked for public comments.

Mr. Gary Cooper said he owned adjacent property. He voiced concern about the school property and said he was told there would be a roadway on the south. He talked about a 23 foot boundary line discrepancy with the church property and was worried that the people on the south could not be helped with a road. Mr. Cooper was concerned that Mr. Maddox did not sit down and make the development work with the neighbors. He was concerned with not having control on the quality homes and talked about the homes in the vicinity. He talked about the lack of communication from Mr. Maddox. Mr. Cooper talked more about his developments. He said he wanted quality homes.

City Engineer Todd Trane explained that the city first asked developers to contact the neighboring properties to make sure that they didn't need access. He said letters from surrounding property owners were required by the city going forward, but not for conceptual plans.

Mr. Maddox explained that it was landlocked property. He said he had access from the north, south, and east and connected the roads with existing services. He explained that services to the west did not interconnect because it was Lehi City. He said he tried to work with the neighbors. He thought it was difficult to compare the quality of different areas because they were not the same communities.

Resident Cole Peck said he did not have a problem with Edge Homes, but wanted to ensure that nice homes were built. He was fine with the subdivision as long as quality homes were built and

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1 the CCR's protected existing home values. He explained that he owned 3 acres south of Lot 11
2 and wanted to make it known that he was going to build a home below Lot 11 with a barn, a
3 truck shop and place for an RV that would be high, along with owning animals which increased
4 the possibility of flies. He did not want to have to fight new neighbors. He mentioned that the
5 property line did have a problem and asked that it be worked out. He did not want to loose
6 property to the church, the school or anyone else. He asked about the fencing planned for the east
7 side and said he wanted to have his property rights protected. He had no preference between R-1-
8 20 or R-1-40. He said he did not love the design of the subdivision, but wanted nice homes that
9 complemented other homes in the area. He opposed the subdivision only because he wanted to
10 protect his property rights. Mr. Peck mentioned that Mr. Maddox did contacted him to discuss a
11 potential road through his property.

12
13 Scott Larsen said he represented his mother-in-law who lived on 6800 West. He said he had been
14 a developer in Highland and other Cities. He voiced concern that the road did not have curb or
15 sidewalk. He explained that last Spring the subdivision to the north drained water into her
16 backyard. He said the city did not really do anything about it. He talked about the subdivisions to
17 the north and south of his mother-in-law's property and explained that there were no retention
18 basins. He said a lot of the area was hardscaped and that her property was an island that the
19 subdivisions drained on to. He said the proposed subdivision would cause additional problems
20 and asked that it not be allowed to be developed until the drainage problem was addressed. He
21 said they were not in favor of the R-1-20 District.

22
23 Mr. Trane explained that the city was aware of the problem. He said the city did an alignment
24 along 6800 West and provided it to Edge Homes. He said it would meander and in front of her
25 lot and would match the west side alignment. Mr. Trane said they would not match the church's
26 alignment through the parcel. He said the development on the west would not impact Mr.
27 Larsen's mother-in-law's property and the cost and burden of installing curb and gutter on the
28 south could not be placed on Edge Homes, although the city council could decide to spend city
29 money to install curb and gutter.

30
31 Resident Scott Austin said his property was southwest of Lot 11. He voiced concern with getting
32 complaints because he owned horses. He understood there would be a road to access the back of
33 his property from 9600 North. He explained that he did not want access right now, but might
34 want it in the future. Mr. Austin proposed an access straight through to Mr. Peck's property and
35 said he wanted to keep the value of being able to have access.

36
37 Resident Mardell Cheney said he lived west of Mr. Austin and was the last lot in Highland. He
38 said there was a chance he will want to develop part of his property in the future and would need
39 access. He expressed concern that his lot would be landlocked and talked about possible routes
40 for access to his property. Mr. Cheney had a concern with the right side of the proposed property
41 and wanted to make sure the road would be widened. He suggested building a road straight
42 across by the church to give access to other lots. He was not concerned about the specific zoning,
43 but wanted to ensure that nice homes would be built.

44
45 Lehi Resident Terry Jasper explained that he recently moved for animal rights. He voiced
46 concern with kids potentially touching his electric fence. He wanted to ensure nice homes were
47 built and did not want to lose his animal rights.

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2 Resident Ben Fietkau pointed out where he lived and said he did not need access from the north.
3 The Planning Commission discussed how he would access the property.
4

5 Chair Kemp asked for additional comments. Hearing none, he closed the public hearing by
6 consent at 9:18 PM. He asked for additional discussion from the commissioners.
7

8 Commissioner Day preferred to keep the property zoned R-1-40.
9

10 Commissioner Campbell thought R-1-20 might be appropriate as a buffer, but was not in support
11 of the current proposal.
12

13 Commissioner Brammer pointed out that the area was against the edge of the city with lower
14 densities around the property as well as higher densities. He cited Development Code 3-4201 and
15 said it provided the criteria for a switch to R-1-20. He pointed out that neighbors on the south
16 were not concerned with R-1-20, but they were concerned with animal rights. He said it seemed
17 to fit fairly congruently with the purposes of changing to R-1-20 and was generally in favor of
18 the request.
19

20 Commissioner Ostler talked about the surrounding development. He explained that smaller lots
21 around the property were in a different city and out of Highland's control. He was in favor of
22 keeping R-1-40 because surrounding lots in Highland were also R-1-40.
23

24 Chair Kemp explained that the city could not completely dictate what was built by developers.
25 He was in favor of keeping R-1-40 because the property was surrounded by larger lots.
26

27 Mr. Maddox asked to withdrawal his request to rezone to residential if R-1-20 was not approved.
28 Instead he would keep it as the current school zone. He said he currently lived in the R-1-40 zone
29 and had more complaints about horse from neighbors. He thought R-1-40 was more of a
30 swimming pool and detached garage zone rather than an animal rights zone. He explained that he
31 was essentially R-1-30, but the zoning did not exist. When asked, he said he was amenable to
32 increasing the lot sizes of the 4 lots on the south to create more of a transition. He talked about
33 concerns with property values and said he envisioned a great community, but did not think it was
34 driven by million dollar houses.
35

36 Discussion ensued regarding acreage, density, and the possibility of creating more of a buffer
37 with larger lots on the south. Mr. Maddox suggested capping the number of lots in the
38 subdivision. Commissioner Campbell thought the subdivision fit the intent of the R-1-20 zone.
39 The Commission talked about the lots and surrounding area. They discussed access to the
40 property. Mr. Maddox pointed out that the property left as a school zone would allow for 2,500
41 students and associated traffic.
42

43 **MOTION:** Commissioner Brammer move to approve the amendment and rezone to R-1-20 on
44 the basis of Development Code 3-4201, specifically that R-1-20 was intended to create
45 transitional areas on the periphery of the city between higher density zones in adjacent cities and
46 Highland's lower density zones. Commissioner Campbell seconded the motion. Commission
47 Chair Kemp, Commissioner Campbell, and Commissioner Brammer were in favor of the motion.

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Commissioner Day and Commissioner Ostler were opposed. Motion failed due to insufficient votes from a quorum.

Commission Chair Kemp said the only reason he voted in favor was because it was a transition property on the edge of the city. He did not want to set a precedent for anyone requesting the R-1-20 zone.

MOTION: Commissioner Brammer asked to withdrawal his previous motion due to insufficient votes from a quorum and moved to continue Business Item Z-16-01 to the next meeting when more members would be present. Commissioner Campbell seconded the motion. All present were in favor. None were opposed. The motion carried with two absent.

MOTION: Commissioner Brammer moved to similarly continue Business Item GP-16-01 to the next meeting. All present were in favor. None were opposed. The motion carried with two absent.

OTHER BUSINESS

5. Conditional Use Permit training - Brent Bateman from the Utah State Office of Property Rights Ombudsman

Brent Bateman and the Planning Commissioners discussed the purpose and regulations of the conditional use statutes.

7. Planning Commission Vice Chair Elections

MOTION: Commission Chair Kemp nominated Commissioner Brammer to serve as the Planning Commission Vice Chair. Commissioner Day seconded the motion. All present were in favor. None were opposed. The motion carried with two absent.

APPROVAL OF MINUTES

None.

PLANNING STAFF REPORT

None.

COMMISSION COMMENTS AND SUGGESTIONS

None.

ADJOURNMENT

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1 **MOTION:** Commissioner Ostler moved to adjourn the meeting. Commissioner Brammer
2 seconded the motion. All present were in favor. The motion carried.

3
4 The meeting was adjourned at 10:19 PM.
5